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*Attorneys for Appellant
GlidePath Marianas Operations Inc.*

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 2-5-2020
TIME: 3:47 PM FROM BY: JRW
FILING OPA-PA: 19-010/20-001

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL**

In the Appeal of

GlidePath Marianas Operations Inc.,

Appellant.

DOCKET NOS. OPA-PA-19-010
OPA-PA-20-001

**DECLARATION OF JOSHUA D.
WALSH IN SUPPORT OF
MOTION FOR DISCOVERY**

I, JOSHUA D. WALSH, hereby declare as follows:

1. I am over the age of 21 and competent to make this Declaration.
2. All of the statements set forth herein are true and correct and are based on my personal knowledge.
3. I am an attorney at the law firm of Civile & Tang, PLLC, counsel for Appellant GlidePath Marianas Operations Inc. in the above-entitled matter. I submit this declaration in support of the Motion for Discovery filed concurrently herewith.
4. Attached as **Exhibit A** is a true and correct copy of an email exchange between myself and counsel for Guam Power Authority ("GPA") that occurred on January 14 and 15, 2020.

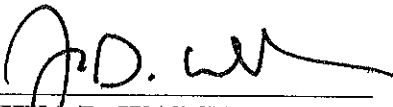
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5. Attached as **Exhibit B** is a true and correct copy of a January 17, 2020 email I sent to counsel for GPA and counsel for ENGIE.

Respectfully submitted on February 5, 2020.

CIVILLE & TANG, PLLC

By: 
JOSHUA D. WALSH
Attorneys for Appellant
GlidePath Marianas Operations, Inc.

CERTIFICATE OF SERVICE

I, JOSHUA D. WALSH, do hereby certify as follows:

On February 5, 2020, via hand delivery, I caused to be served a true and correct copy of the **DECLARATION OF JOSHUA D. WALSH IN SUPPORT OF MOTION FOR DISCOVERY** upon the following:

D. Graham Botha
GPA General Counsel
Guam Power Authority
688 Route 15, Suite 302
Mangilao, GU 96913
Attorneys for Guam Power Authority

R. Marsil Johnson
Blair Sterling Johnson & Martinez, P.C.
238 Archbishop Flores St., Suite 1008
Hagatna, GU 96910
Attorneys for ENGIE Solar

Executed February 5, 2020, at Hagåtña, Guam.

CIVILLE & TANG, PLLC

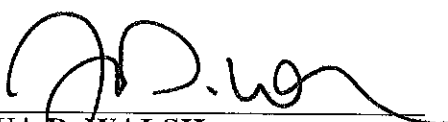
By: 
JOSHUA D. WALSH
Attorneys for Appellant
GlidePath Marianas Operations Inc.

EXHIBIT A

----- Forwarded message -----

From: **Joshua D Walsh** <jdwalsh@civilletang.com>

Date: Wed, Jan 15, 2020 at 3:02 PM

Subject: Re: Glidepath protest 2

To: Graham Botha <gbotha@gpagwa.com>

Thanks Graham. Understood. It sounds like a short period is all that is required after we get our Notice of Appeal in for protest 2 for GPA to submit to the OPA the 60 extra pages or so of the procurement record.

Graham, can you ask your client if GPA would agree to a short period of discovery to allow me to take one or two depositions (more like a 30(b)(6) nominee)? Our review of the record leaves me with some confusion over how GPA developed the specifications that are at the heart of this appeal. Please let me know if this is something we could agree to.

R/josh

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On Tue, Jan 14, 2020 at 4:22 PM Graham Botha <gbotha@gpagwa.com> wrote:

Josh:

The only additional material I would submit as a supplemental procurement record would be the 2nd GlidePath protest and the GPA response to the 2nd protest. I don't believe there is anything additional that has been filed other than the e-mails going back and forth, which I don't believe would be part of the procurement record in that we've already filed the procurement record for the first protest. We go from 12,444 pages to 12,509 pages, an additional 65 pages.

Regards,

Graham

From: Joshua D Walsh [mailto:jdwalsh@civilletang.com]

Sent: Tuesday, January 14, 2020 3:59 PM

To: R. Marsil Johnson <rmarsjohnson@bsjmlaw.com>; Graham Botha <gbotha@gpagwa.com>

Subject: Glidepath protest 2

Graham,

We received the protest decision and are preparing our appeal of protest 2 for the OPA, with an eye to a stip to consolidate and a schedule for the joint matter moving forward.

How long do you need from the filing of our notice of appeal of decision 2 next week to when you can "submit" the procurement record. Of course, we are in agreement that there is no need to reproduce what has been produced, but perhaps GPA will need a binder 12 to contain anything new related to the last of our protests? Let me know and I can start building dates.

R/Josh

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EXHIBIT B

----- Forwarded message -----

From: **Joshua D Walsh** <jdwaish@civilletang.com>
Date: Fri, Jan 17, 2020 at 2:55 PM
Subject: Fwd: Glidepath protest 2
To: Graham Botha <gbotha@gpagwa.com>
Cc: R. Marsil Johnson <rmarsjohnson@bsjmlaw.com>

Graham,

Any word on your client's willingness to allow some discovery in this case?

Thanks

Josh

[Quoted text hidden]